

### **REMARKS**

This Application has been carefully reviewed in light of the Final Office Action mailed August 2, 2005. At the time of the Final Office Action, Claims 1-2, 5-7, 10-11, 14-16, and 19, 22-24 and 28-30 were pending in this Application. Claims 3, 4, 8, 9, 12, 13, 17, 18, 20, 21 and 25-27 were previously cancelled by Applicants without prejudice or disclaimer.

#### **Telephone Conference on October 18, 2005**

Applicants appreciate the Examiner's conduct during a recent telephone conversation. The conversation was productive. The Examiner was extremely helpful, has shown a good understanding of the invention, and has an excellent willingness to work together with Applicants. Applicants appreciate the Examiner taking the time to discuss independent Claim 1 and prior art. Applicants acknowledge that an agreement was not reached.

#### **Rejections under 35 U.S.C. §103**

Claims 1, 5-7, 10, 14-16, 19, 22-24 and 28-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,226,623 issued to Arthur A. Schein et al. ("Schein") in view of U.S. Patent No. 6,134,548 issued to Edward Gottsman et al. ("Gottsman"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 1 and 10 (the independent claims) have been amended to recite additional features of the invention. The invention of Claims 1 and 10 is described throughout the patent application, but is best emphasized in Figures 2, 4, 5, 10 and 11 and the accompanying text.

Basically, Claims 1 and 10 are directed to a combination of the profiles generator of Figures 4 and 5 and the text indexing server of Figures 10 and 11. Figure 2 is an overview of this combination. Figure 11 shows how the indexing server may use two different databases (the profiles database of Figure 4 and the text database from Figure 10).

The system and method of Claims 1 and 10 are used by a business enterprise to find new customers. The harvester finds the new customers by searching discussion sites to see what people are talking about. The results from the harvester are compared to profile data. This refines the harvested results so that the business enterprise can get data that represents potential new customers who match the profile data from existing customers.

As has been previously explained, the profiles database represents profiles of the sales to existing customers of the business enterprise. The archive database contains text documents from Internet discussion sites. These are not web pages. They are text documents, each authored by a participant of the discussion sites. For example, the text document might be a post or a reply on a Internet bulletin board.

The indexing performed by the indexing server is based on the content of the documents in the text archive, in a manner similar to conventional search engines. However, the indexing server also indexes the text archive according to contact data. This contact data indexing is certainly not conventional. The contact data is a item of data, such as an email address or name, associated with a person who authored a document in the database. The indexing server also accesses the business profile database.

Page 29 has text accompanying Figure 11. This text was requested to be amended in the response filed May 31, 2005. "Server 115" should be "server 101c" so as to conform Figure 11 with the text and with Figure 10. Page 29 clearly states that database 111 can be the business profiles database 26 of Figure 2 and the business profiles datamart 41b of Figure 4. If desired, Applicants will further amend Figure 11 to specifically replace "prospects repository" with "profiles database", as is supported by page 29.

To avoid any confusion, Applicants wish to remind the Examiner that the "user" of the system of Claims 1 and 10 is the business enterprise. This is also the "client" of the provider of the system or method.

The business enterprise has "existing customers" whose activities are represented by data in database 26 or 41b. The business enterprise uses the system and method of Claims 1 and 10 to find new customers (also called "potential customers") and to obtain their contact data (which implies that these are previously uncontacted persons). The term "customer

profile data” has been used in previous claims to mean “profile data about existing customers”, but that use may be confusing and is discontinued.

As recited in the Claims and as supported by the description, the indexing server 101c uses two different databases. One is profile data associated with existing customers from internal documents. The other is harvested data associated with potential customers from a text archive. It responds to queries based on keywords from the content of the text documents, from contact data associated with the text documents, and from business profile data. Examples of the data provided by the system are explained on page 8, lines 12 - 18, and on page 11, beginning on line 4. As stated on page 11, “the resulting profiles are overlaid on the data obtained by [harvester] process 21”.

The Examiner has not cited any prior art that has an text indexing server that performs finds new customers by searching business profile data about existing customers, harvested text data, and harvested contact data.

Shein is directed to only existing customers of a business enterprise. The so-called “potential customers” of Schein are customers who have already been contacted. They are not previously uncontacted persons whose contact data is harvested from Internet discussion sites.

#### **New Claims 31 and 32**

These claims are supported by Figures 6 and 7 and on pages 19 - 20. The data mining server generates models of customer purchasing behavior (page 20, line 1).

#### **Information Disclosure Statement**

Applicants would like to bring to the Examiner’s attention that the Examiner made no indication that Reference "P" submitted with Information Disclosure Statement and PTO Form 1449 filed on May 31, 2005, had been considered in the Final Office Action mailed August 2, 2005. Applicants respectfully request confirmation of the consideration of Reference "P". Applicants attach a copy of the PTO Form 1449 that was attached to the Final Office Action mailed August 2, 2005, and respectfully request that the Examiner place his

initials next to Reference "P" if citation is to be considered or draw a line through the citation if the citation is not to be considered.

**Information Disclosure Statement**

Applicants enclose an Information Disclosure Statement and PTO Form 1449, with copies of the references for the Examiner's review and consideration. Applicants are not enclosing the \$180.00 fee since Applicants are also filing a Request for Continued Examination.

**Related Applications and Terminal Disclaimer**

As indicated on page 1 of the patent application, this patent application is related to several co-pending patent applications. Each is directed to different aspects of the various inventions and embodiments described in the respective patent applications.

As a convenience to the Examiner, a list of pending cases is attached to this Response. This list identifies features of the claims of each patent application and the relevant portions of the detailed description. Applicants emphasize that this list is provided as an aid to the Examiner, and is not intended as a basis for claim interpretation.

Applicants submit with this paper, a Terminal Disclaimer, to avoid any double-patenting type rejections.

**CONCLUSION**

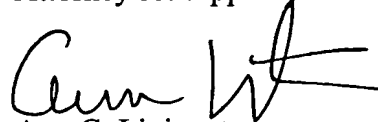
Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of all pending claims, as amended.

Applicants enclose a Request for Continued Examination (RCE), and a check in the amount of \$395.00 for the RCE fee. Applicants believe there are no further fees due, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2634.

Respectfully submitted,

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Date: November 2, 2005